

The Legal News.

Vol. XI. JANUARY 7, 1888. No. 1.

The discretion allowed to counsel in England in the settlement of suits is illustrated by the case of *Matthews v. Munster*, of which a report will be found in the present issue. It may be doubted whether attorneys or counsel in this province possess similar powers. It was held by the Court of Review at Quebec, in *Préfontaine v. Brown* (1 Q. L. R. 60), that the attorney of one of the parties in a case cannot, as such, renounce the whole or part of the judgment given in his favor; but such renunciation, to be valid, must be signed by the party himself or by his attorney *ad hoc*. This decision was based on Art. 477 of the Code of Procedure. Before judgment, a party or his attorney may discontinue his suit or proceeding (C. P. 450.) But any party may disavow his attorney who has exceeded his powers (C. P. 192), which seems to imply that a settlement contrary to the wishes of the client may be impugned by the latter. What was done in *Matthews v. Munster* resembles what we call a confession of judgment, which must be signed by the defendant, or be made by his special attorney, whose power of attorney, in authentic form, must be filed with the confession (C. P. 94.) The question is of interest, and any reader who may have information bearing upon it would confer a favor by communicating it.

The London *Law Journal* maintains the right of spectators to look on at pugilistic encounters. "Every Englishman," it observes, "in his heart, loves a fight with fists, and the only difference between the Englishman of to-day and the Englishman twenty years ago is that it is now his fashion to pretend the contrary. On a certain day in the present week he was to be seen furtively exchanging the *Times*, in which had, in his younger days, appeared the historic account of the great battle of Heenan and Sayers written by the late Mr. Tom Taylor, for the *Telegraph*, which in this matter better felt

the national pulse. Perhaps he will have more courage in his opinions if he be told that the right to look on at a fight is deeply imbedded in English law, and has recently been recognized by a preponderance of eight judges over three in *Coney's Case*. A boxing match with gloves is no doubt lawful in all respects; and although it is as unlawful to fight for money as it is to fight for spite, and unlawful to hold a sponge or take any other prominent part in a fight, yet merely to look on is the inalienable privilege of every Englishman."

The *Solicitors' Journal* says: "It appears to be desirable that every solicitor should at once establish a special letter book, under lock and key, for copying therein any letters which may contain libellous matter, and should be careful himself to copy such letters into the book. In the course of the trial of *Maccolla v. Jones* last week, Mr. Baron Pollock is reported to have said that 'he had a strong opinion that as the defendant, before posting his letter, had it copied by his clerk, it was a publication, and he was supported by the only case he could find upon this point, which was from an American report.' The name of this case is not given, and we have hitherto failed to discover any American case exactly deciding the point. We presume that the ground of the learned judge's opinion is, either that the clerk who copies has an opportunity of reading the letter, or that the letter book is open to the perusal of all the clerks in the office. We venture to suggest that in such a case it might be a question for a jury whether there had in fact been a publication to a third person. There may possibly be in existence such a phenomenon as a clerk who reads all the letters he copies, or devotes his leisure time to a diligent perusal of the letter book of his employers; we have not yet come across him, and we gravely doubt whether his little peculiarities would tend to a lengthened continuance of his employment."

The *Albany Law Journal*, in a note upon the above, says the case referred to is probably *Kiene v. Ruff*, 1 Iowa, 482. The court in that case said: "Defendant furnished a copy